

REMARKS

In the Office Action of March 25, 2005, claims 1-38 were rejected under 35 U.S.C. 101 because they were deemed to be directed to non-statutory subject matter. Claims 1-38 were also rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Further, claims 1, 2, 20 and 21 were rejected as anticipated by Rikard et al. (U.S. Patent No. 6,016,483); and claims 3 and 22 were rejected under 35 U.S.C. 103(a) as unpatentable over Rikard and Official Notice of the use of weighted sums in trading models.

The Examiner indicated that the rejection of claims 1-19 under 35 U.S.C. 101 could be overcome by reciting that the steps of these claims are performed by a server or processor. Accordingly, claim 1 has been amended to recite “A method performed by a computer . . .”

The Examiner indicated that the rejection of claims 20-38 under 35 U.S.C. 101 could be overcome by replacing the recitation of computer software with language such as “as computer-readable medium having stored instructions or computer code executable by a computer performing the process steps.” Accordingly, claim 20 has been amended to recite “A computer-readable medium having computer code executable by a computer for . . .”

With respect to the rejections of the claims under 35 U.S.C. 112, claims 1 and 20 have been amended to delete the recitation of the storing steps at paragraphs (d) and (f).

The Examiner’s objection to applicants’ recitation of “each of one or more trading models” is not understood. This language is intended to be the initial recitation of “trading models.” If the Examiner prefers, applicant is willing to change the language “for each of one or more trading models” to “for a trading model.”

Claim 3 has been amended to refer to “target position information” which has antecedent basis in claim 1.

With respect to the alleged contradiction between claims 3 and 4, on the one hand, and

claim 1 on the other, it is respectfully submitted that the list of elements used in the calculation recited in the last paragraph of claim 1 is not intended to be a complete listing and no language indicative of a complete listing (such as "consisting of") has been used in the last paragraph of claim 1. In the case of the recitation of the "hedging method" in claim 4, this is no longer an issue since the hedging method language has been incorporated into claim 1. In the case of the use of weighted sums as recited in claim 3, claim 3 has been amended to indicate more clearly that such use is in addition to the elements recited in claim 1 and does not contradict the recitation of claim 1.

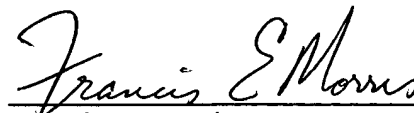
With respect to the rejection of claims 1-3 and 20-22 on §102 or §103 grounds, the limitations of claims 4 and 23 which were not rejected on prior art have been incorporated into claims 1 and 20. Accordingly, amended claims 1 and 20 are believed patentable over the references cited. Likewise, dependent claims 2, 3, 5-19, 21, 22 and 24-38 are believed patentable.

Aside from the fee for an extension of time, no additional fee is believed to be due for filing this response. However, if a fee is due, please charge such fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

If the Examiner believes a telephone interview would expedite prosecution of this application, he is invited to call applicant's attorney at the number given below.

Respectfully submitted,

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